

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SS&C TECHNOLOGIES HOLDINGS, INC.,  
and ADVENT SOFTWARE INC.,

Plaintiffs,

v.

D. E. SHAW & CO., L.P.,

Defendant.

Civil Case No. 23-9158

Hon. Timothy M. Reif

ORAL ARGUMENT REQUESTED

**NOTICE OF D. E. SHAW & CO., L.P.'S MOTION TO DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of D. E. Shaw & Co., L.P.'s ("DESCO") Motion to Dismiss the Complaint, the declaration of Steven M. Balcof and the exhibit annexed thereto, and all other papers and proceedings herein, DESCO will move before the Honorable Timothy M. Reif, at the United States District Court for the Southern District of New York, 40 Foley Square, New York, New York, at a date and time to be determined by this Court, pursuant to Federal Rule of Civil Procedure 12(b)(6) and the rule against duplicative litigation, for entry of an order dismissing with prejudice the claims asserted in the Complaint.

The grounds for these motions are that the Complaint should be dismissed because (1) all SS&C Technologies Holdings, Inc.'s and Advent Software Inc.'s (together "SS&C") claims against DESCO are untimely, (2) SS&C's claims are duplicative of its pending claims asserted against Arcesium LLC in *SS&C Technologies Holdings, Inc. v. Arcesium LLC*, No. 1:22-cv-2009-TMR-OTW (S.D.N.Y.), and (3) SS&C fails to plead facts sufficient to state claim for trade secret misappropriation. The specific grounds for Defendant's Motions are set forth in the Memorandum of Law in Support of DESCO's Motion to Dismiss the Complaint.

**PLEASE TAKE FURTHER NOTICE** that DESCO requests oral argument of this motion.

Dated: December 11, 2023

By: /s/ Steven M. Balcof  
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